

BCI Exhibit 640



James B. Kobak, Jr.

Partner

New York

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Areas of Concentration

- ADR and Mediation (IP, Entertainment, General Commercial)
- Antitrust and IP Litigation and Counselling
- Antitrust and HSR merger review investigations
- Chair, Antitrust Practice Group
- SIPC Liquidations

Awards and Recognitions

- Ranked by *Chambers USA* 2008 and 2009 as one of the leading Antitrust lawyers in the United States.
- Identified in the 8th Edition of the *Guide to the World's Leading Competition and Antitrust Lawyers* 2008.
- Named in *Who's Who of Competition Lawyers* 2008.
- New York County Lawyers' Association Boris Kostelanetz President's Medal (2006).
- New York County Lawyers' Association (with Firm), for outstanding support of NYCLA and contributions to the honor of the legal profession (January 2000).
- ABA Antitrust Section, for Services and Commitment to Antitrust Section (1999-2000).
- 18th Rossman Memorial Award (Journal of Patent and Trademark Office Society) (1991).

Court Admissions

- U.S. Supreme Court
- Federal Circuit

Practice Areas

Antitrust
Appellate
Arbitration & Alternative Dispute Resolution
Intellectual Property
Not-for-Profit
Pharmaceuticals & Healthcare

Education Information

Harvard University, A.B., 1966, Magna Cum Laude
University of Virginia School of Law, LL.B., 1969, Order of the Coif, The Associate Editor, *Virginia Law Review*

Bar Admissions

New York, 1972
New Jersey, 1996

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- Second Circuit
- Third Circuit
- District Courts in New York, New Jersey and Northern District of California
- Court-Appointed Mediator, U.S. District Court of Eastern District of New York

Professional Activities

- Lecturer, University of Virginia School of Law (Antitrust and Intellectual Property) (1988-2001).
- Adjunct Associate Professor, Fordham Law School (Patents and Antitrust) (1998-present).
- Chair, Intellectual Property Committee, ABA Antitrust Sections (1995-1997).
- President Elect, New York County Lawyers' Association (Director, 1988-1993; 1995-1997; 2001-present; Executive Committee, 1996-1997, 2002-present; Chair, Task Force on Professionalism, 2006-present; Chair, Committee on Trade Regulation, 1987-1988; Chair, Committee on Changing Trends in the Profession, 1990-1994; Chair, Committee on Law Reform, 1994-1997; Chair, Library Committee, 1997-present; Member, Ethics Committee, 1998-present).
- President, New York County Lawyers' Association Foundation (2005-present).
- Founder, Secretary, NYCLA American Inn of Court (1993-2007).
- Delegate to the House of the American and New York State Bar Associations.
- American Bar Association Alternate Dispute Resolution Section, Entertainment Committee (2002-present).
- American Law Institute (Consultative groups on unfair competition, complex litigation and Article 2 of the UCC (1988-present).
- Association of the Bar of the City of New York (Member at various times of Committees on Trade Regulation, Federal Courts, Federal Legislation, Nuclear Technology and Law, Young Lawyers Committee and Arbitration Committee; current member; Professional Responsibilities Committee).
- Intellectual Property Committee, U.S. Council on International Business.

Highlighted Publications

Professional Publications: Books, Chapters and Testimony

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- Editor, Task Force Chair and Contributor, "Intellectual Property Misuse: Licensing and Litigation" (ABA Antitrust Section Handbook 2000).
- Task Force Member and Contributor, Report on the United States Court of Appeals for the Federal Circuit (ABA Antitrust Section Handbook July, 2002).
- Co-Author, Chapter 51: Joint Ventures, In Successful Partnering Between Inside And Outside Counsel (West multi-volume treatise Haig. ed.).
- Antitrust and Misuse Law Chapter for the New York Intellectual Property Law Association Annual from 1997 through 2000. Chapters in International Trade and Finance Association Proceedings for 2007, 2006, 2005, 2004, 2003, 2001, 2000, 1999, 1998, and 1996:
 - 2007 – Must Canada Become the Drugstore For the World and Spain and Greece the Pharmacists for Europe? (with Ramsey Chamie) - 2006 – Private Damage Remedies for Competition Law Violations in the European Union (with Keith Lew).
 - 2005 – Must Canada Become the Drugstore to the World? (with Jeremy DeDehouet) - 2004 – Discriminating between monopolizing and non-monopolizing dumping (with Vincent Ausilloux and Mustapha Sadni-Jalab).
 - 2003 – Exhaustion of Intellectual Property Rights and International Trade Global Economy Journal, Vol. 5, Iss. 1, Article 5.
 - 2001 – The Globalization of Competition Law (in the New Millennium) (with Patrick Landers and Mark A.A. Warner), 2 Global Economic Quarterly 149 (June 2001).
 - 2000 – The European Merger Regulation and Recent Developments Toward A Multilateral System Of Competition Regulation (forthcoming for publication in Globalization and International Business at the Turn of the Century, Desportes ed., École Superior) (with Patrick Landers).
- "The Federal Circuit as a Competition Law Court," prepared remarks and testimony at Federal Trade Commission/Department of Justice Hearings on Intellectual Property and Competition (July 11, 2002).
- "Antitrust Change, Continuity and the Challenges That Lie Ahead," in Inside the Minds: Antitrust Laws 7, New York: Aspatore Books, 2005.

Legal and Academic Journals

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- "Ted Banks on the Latest Antitrust Compliance Challenge: Getting the Message to Generation X," (with Jeff Coleman) Antitrust Compliance Bulletin, Vol. 2, No. 1 (March 2008).
- "Value-Based Training and the Mushy Middle" (with Jeff Coleman), Antitrust Compliance Bulletin, Vol. 1, No. 4 (November 2007).
- "Antitrust Compliance Programs – Taking the Next Step" (with Carole Basri and Jeff Coleman), Antitrust Compliance Bulletin, Vol. 1, No. 2 (March 2007).
- "Federal Circuit Court Portends Change to Generic Drug Patent Infringement Litigation and Walker Process Antitrust Claims," Intellectual Property & Technology Law Journal, Vol. 19, No. 8 (August 2007).
- "Independent Ink, Le Page's and Philips: One Loose End Tied Up But Bundles of Open Issues Remain," Licensing Law Journal, Vol. 26, No. 7 (August 2006).
- "Antitrust Compliance Programs – Taking the Next Step" (with Jeff Coleman and Carole Basri), Antitrust Compliance Bulletin, Vol. 1, No. 2 (March 2007).
- "Antitrust Liability For Statements About Intellectual Property: Unocal, Unitherm, and New Uncertainty," Antitrust, Vol. 19, No. 1 at 87 (Fall 2004).
- "Recent Developments of Interest to Patent Licensors, Licensees and their Lawyers," Licensing Law Journal, Vol. 23, No. 6 at 12 (June, July 2003).
- "Antitrust Treatment of Refusals to License Intellectual Property," Licensing Law Journal Vol. 22, No. 1 at 1 (January, 2002).
- "Vornado and Its Effect on Patent Antitrust Litigation," electronic newsletter of the ABA Intellectual Property Committee (July 2002).
- "The Federal Circuit as Competition Law Court," Journal of the Patent and Trademark Society (August 2001).

Legal and Industry Magazines and Periodicals

- "Special Issuers in Antitrust Review of M&A Transactions After Consummation," Bloomberg Finance (July 2007).
- "Problems and Developments in the Laws of Monopolization," Aspatore Executive Report (2006).
- "Authorized Generics: Still Legal—and Holding," Pharmaceutical Executive (September 2006).
- "Permission Granted: Generic Companies Think Authorized Generics Are Unfair. Does the Law Agree?" Pharmaceutical

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Executive (May 2004).

- “Antitrust Update” (with Renee Redman), Mergers and Acquisitions, Vol. 3. No. 1, p. 25 (May 2002).
- “A New Antitrust for the New Millennium? A View from Both Sides of the Atlantic” (with Mark A.A. Warner), Mergers and Acquisitions.
- “Antitrust Update” (with Charles Avrith), Mergers and Acquisitions, Vol. 1, No. 10, p. 41 (February 2001).

Lectures and Programs

- Speaker/Moderator, Fordham Law School International Conference on Intellectual Property (April 2006–2008).
- Speaker, New York City Bar programs on Intellectual Property Due Diligence (2005 and April 2008).
- Speaker, Association of University Technology Managers Annual Meeting (San Diego, March 2008).
- Speaker, New York State Bar Association Antitrust Section Annual Meeting (New York, February 2005).
- Speaker, Patent Misuse, American Intellectual Property Association Annual Meeting, Houston (May 2003).
- Speaker, Antitrust and the Federal Circuit – Speaking Different Languages, ABA Antitrust Section Spring Meeting, Washington, DC (April 2002).
- Program Chair, The Interactions of Antitrust and Intellectual Property Law, New York County Lawyers Association, New York, New York (May 1, 2002).
- Speaker, ABA Antitrust Section Conference on Navigating the Minefield, Antitrust Risks of Acquiring and Enforcing Intellectual Property, Philadelphia (May 2001).
- Speaker, Inventure Place National Inventors Hall of Fame & National Council of Intellectual Property Law Associations, The Eighth, Ninth, and Tenth Annual Continuing Legal Education programs on Intellectual Property Practice, Akron, Ohio (September 1998, 1999, and 2000).
- Speaker, LECG Conference on Emerging Antitrust, Intellectual Property and Finance Issues In The New Millennium, Napa, California (August 2000).
- Speaker, PLI Programs on Intellectual Property Antitrust 1999-2006; New York (June 1999-2006). (Materials appear in PLI Course Handbook No. G-52 each year.)
- Speaker, International Trade and Finance Association Conferences on Globalization: Miami, Florida (May 2007); Lodz,

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Poland (May 2006); Istanbul, Turkey (May 2005); San Antonio, Texas (May 2004); Vaasa, Finland (May 2003); Washington, D.C. (May 2001); Montpelier, France (June 2000); Casablanca (June 1999); Atlantic City (May 1998); San Diego (May 1996).

- Speaker and Panelist at ABA ADR programs presented by ABA ADR Section Entitlement Committee for Volunteer Lawyers for the Arts and Cardozo Law School (2002 and 2003).
- Speaker, Intellectual Property and Antitrust: The Crossroads, ABA Conference, San Francisco (June 2000).
- Speaker, Computer Law Association Annual Meeting, Washington, D.C. (February 2000).
- Speaker or Moderator (or both) at following New York American Corporate Counsel Association programs in New York:
 - "The New SEC 'Ethics Rules' for Attorneys, What They Mean for You" (February 2003).
 - "International Antitrust for the U.S. Lawyer" (March 2001).
 - "Changes in Hart-Scott-Rodino" (March 2001).
 - "Antitrust and the Internet" (May 2000).

Other Professional and Ethics Programs

- Speaker, Rick Management and Regulatory Compliance at Association of Professional Responsibility Lawyers Conference, Amsterdam (May 2008).
- Panelist, New York State Bar Association's program, "Attorney Professionalism in an Age of Profit-Seeking," Annual Meeting (New York, January 2008).
- Speaker, "Ethics Update Program," New York County Lawyers Association (December 2007).
Speaker, "Ethics for the New Attorney," New York County Lawyers Association (October 2007).
- Speaker, "The New Attorney Advertising Rules," New York County Lawyers Association (January 2007).
- Speaker, PLI's MCE Bridge the Gap Program, New York City (December 2000).

Other Activities

- Commentator on the draft antitrust or competition laws of Romania, Croatia and Kazakhstan on behalf of the ABA's Central European Economic Law Initiative.
- Assistant Professor, University of Alabama Law School (1969–

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- Trustee, Jersey City Museum (2002–present); Vice Chair (2008–present); Secretary (2006–2008).
- Trustee, New Jersey Chamber Music Society (1985–2002) (President, Board of Trustees, 1988–1990).
- Trustee, Morristown-Beard School (1995–2001).
Trustee, Keene Valley Country Club (1990–1996).
- Adirondack Mountain Club Trails Committee (1989–1998) (access issues for persons with disabilities); Adirondack 46er.
- Published essays and articles in various national and regional magazines and newspapers.
- Member, New York County Lawyers' Association Ethics Committee and Task Force on Reform; Chair, Firm's Practice Standards Committee.
- American Arbitration Association Panel of Commercial Arbitrators